

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-050582

02/08/2011

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT  
M. MINKOW  
Deputy

000823961300  
IN RE THE MATTER OF  
KIRK P ROBERTS

KIRK P ROBERTS  
1806 E MISSOURI APT 6  
PHOENIX AZ 85014

AND

VIOLETRAY MARY ANN MELTON

VIOLETRAY MARY ANN MELTON  
UP

AG-CHILD SUPPORT-NORTH  
CENTRAL OFFICE  
CONCILIATION SERVICES-NE  
DOCKET - NE  
FAMILY COURT SERVICES-CCC

**RETURN HEARING  
REFERRAL FOR POST DECREE MEDIATION  
EVIDENTIARY HEARING SET**

8:12 a.m. Courtroom 108. This is the time set for Return Hearing Re: Petitioner's Petition to Enforce, filed October 6, 2010, and Respondent's Petition to Modify Child Parenting Time or Parenting Time and Child Support, filed October 21, 2010. Petitioner/Father is present on his own behalf. Respondent/Mother is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

IT IS ORDERED directing the Docketing Department of the Office of the Clerk of the Superior Court to change the name on the caption of the case for Respondent from Violetray Mary Ann Melton to Violetray Mary Ann Arnold immediately.

Kirk Roberts and Violetray Arnold are sworn.

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The parties state their positions.

Pursuant to Rule 91 of the Arizona Rules of Family Law Procedure and A.R.S. § 25-411, the Court finds adequate cause to proceed on the parties' petitions.

IT IS ORDERED that if Father intends to file a supplement to his Petition to Enforce, he shall do so no later than seven days from today's date.

IT IS FURTHER ORDERED referring the parties to Conciliation Services for post-decree mediation of child custody and/or parenting-time issues. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that each party must pay the \$100 per party fee at the Clerk of the Court filing counter, at least 30 days before the mediation. Each party must bring the receipt for payment or deferral to the mediation. Forms to request a fee deferral are available at the filing counter.

IT IS FURTHER ORDERED setting Mediation for February 10, 2011, at 8:00 a.m. in Conciliation Services at Maricopa County Superior Court, Northeast Regional Court Center, 18380 N. 40th Street, Phoenix, Arizona 85032.

PLEASE BE ADVISED

If you fail to appear at the mediation as ordered, you may be required to pay a \$100 no show fee. If you cannot attend, you must request and be granted permission from the judge in your case to reschedule the session at least three full court days before the mediation. If an agreement is reached prior to your appointment date, you must submit a request to the judge to vacate the conference and waive the fee in order to avoid fee collection.

THE COURT FURTHER ADVISES that because this is a IV-D case, when the parenting time issues are resolved by this Court, the issue of child support will be referred to the IV-D Court for any modification that is necessary based on any change in parenting time that is ordered or agreed upon.

Pursuant to agreement of the parties,

IT IS ORDERED that when the children are in the care of a parent and that parent is not personally supervising the minor children, that parent shall ensure that the children are being supervised at all times and by an adult.

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IT IS FURTHER ORDERED that neither parent shall remove the children from Maricopa County without giving the other party 48 hours notice of their intent to do so, along with an itinerary.

IT IS FURTHER ORDERED: Pursuant to *ARS § 25-403.06*: "Unless otherwise provided by court order or law, on reasonable request both parents are entitled to have equal access to documents and other information concerning the child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to force compliance with this subsection. A parent who attempts to restrict the release of documents or information by the custodian under this subsection without a prior court order is subject to appropriate legal sanctions."

IT IS FURTHER ORDERED setting Evidentiary Hearing Petitioner's Petition to Enforce, filed October 6, 2010, and Respondent's Petition to Modify Child Parenting Time or Parenting Time and Child Support, filed October 21, 2010 on **June 3, 2011, at 8:00 a.m., for 2 hours**, in this Division at Northeast Regional Court Center, 18380 North 40th Street, Courtroom 108, Phoenix, Arizona 85032.

IT IS FURTHER ORDERED that the parties shall have a duty to consult before filing any procedural motions (e.g., a Motion to Continue a court date) and advise the Court of the opposing party's position. Movant shall aver that he/she has done so before filing any procedural motions.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that each party shall file a Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Pre-hearing Statement shall include: (1) Issues each party believes needs to be resolved and each party's position regarding the resolution of same; (2) A list of each and every witness who will testify and an estimate of time and subject

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matter of the expected testimony for each witness; and (3) A list of all exhibits each party intends to introduce at the hearing. Also, if child support is an issue that will be addressed at the hearing, the Pre-hearing Statement shall include the following attachments: (1) A current Affidavit of Financial Circumstances; and (2) A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

IT IS FURTHER ORDERED that ten (10) days prior to the hearing, the parties shall exchange their Pre-hearing Statements and exchange their copies of exhibits.

IT IS FURTHER ORDERED that any extant motion not ruled on within 45 days of its filing shall be immediately brought to the Court's attention to avoid limbo and/or oversight.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that the parties shall deliver their exhibits to be marked to the Clerk of this Division no later than five (5) Court business days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. Exhibits submitted to the Clerk shall be separated one from the next with a numbered, blank, colored sheet of paper or a tabbed-number sheet. If an exhibit is more than one page, all pages shall be bound. A numbered exhibit list with a brief description of each exhibit shall also be submitted. All exhibits presented shall have been exchanged between the parties.

IT IS FURTHER ORDERED that the parties shall indicate in the Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pre-hearing Statement shall be summarily admitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

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1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits thirty (30) days before the Evidentiary Hearing.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed fifteen (15) days before the Evidentiary Hearing.

3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by Conciliation Services or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

IT IS ORDERED directing the courtroom clerk to update Father's address in ICIS as stated this date on the record in open court.

8:43 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.